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**From:** Johnson, Valencia [Johnson.Valencia@epa.gov]  
**Sent:** 7/30/2018 3:43:19 PM  
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## Region 2 News Clips

[EPA to clean lead-tainted soil at 26 homes in Lockport](#) (UNION-SUN & JOURNAL; July 27, 2018)  
**CLEANUP: Roughly 14,000 cubic yards of contaminated soil to be removed near Eighteen Mile Creek.**

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[Coeyman acres Albany bought for its dump site now eyed as state wildlife area](#) (ALBANY TIMES UNION; July 27, 2018)

Woods and fields in Coeymans once envisioned as a new dump for the city of Albany might instead become the state's newest nature preserve.

[Many Queens areas will be sprayed with pesticide Tuesday as city amps up its war on mosquitoes](#) (QUEENS COURIER; July 27, 2018)

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[N.J. sued to keep 'super-polluters' off the road. The Trump EPA just backed off, for now.](#) (NJ ADVANCE MEDIA; July 27, 2018)

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**Gurbir Grewal among several attorneys general critical of FERC's decision to not take climate change into account in certification process**

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[Chip Gaines releases lead paint safety video following EPA violations, \\$40G fine](#) (FOX NEWS; July 27, 2018)

Chip Gaines certainly knows how to shine in front of the camera, although the former HGTV star's latest broadcast involves a more serious matter than shiplap or demo day: the dangers of lead paint.

EPA proposes excavating lead-laden soil at 26 Lockport homes (Buffalo News; July 27, 2018)

Stanley Czaplicki likes growing vegetables in his Lockport backyard.

EPA to clean lead-tainted soil at 26 homes in Lockport (Niagara Gazette; July 27, 2018)

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Park it elsewhere: Public-housing tenants pan idea to put Double-D pool's stand-in on their pavement (Brooklyn Paper; July 27, 2018)

They're shooting this pool plan down.

Cleanup proposed for Gibbstown superfund site (NJ BIZ; July 27, 2018)

The U.S. Environmental Protection Agency on Friday proposed a cleanup plan for the Hercules Inc. superfund site in Gibbstown.

## Virgin Islands News

Mapp Thanks Lawmakers For Approval Of Limetree Bay Oil Refining Deal, Urges Quick Action On GERS, Hotel Development Measures (VI CONSORTIUM; July 26, 2018)

Governor Kenneth Mapp in a release issued Thursday thanked the members of the 32nd Legislature for the ratification of an agreement which will allow oil refining to resume on St. Croix, bringing hundreds of new jobs and millions in new revenues to the U.S. Virgin Islands.

Oil Refining On St. Croix To Restart As Senators Ratify Landmark Agreement (VI CONSORTIUM; July 26, 2018)

Six years after HOVENSA shuttered on St. Croix, oil refining is set to restart on the island at the same south shore facility that was once the location of a booming oil industry, this time under the leadership of Limetree Bay Terminals, whose owner is ArcLight Partners, LLC.

## National News

### Acting Administrator Wheeler

USA Today: Exclusive: Trump EPA to freeze Obama-era fuel standards for cars, light trucks

### Clean Power Plan

Politico-EPA says carbon rule replacement to be in place by early 2019

E&E News-Agency won't replace climate rule until 2019

## **Enforcement**

[Fox News-Chip Gaines releases lead paint safety video following EPA violations, \\$40G fine](#)

## **Glider Truck Rule**

[Reuters-EPA will enforce 'glider truck' limits after states sue](#)

## **Gold King Mine**

[Associated Press-EPA seeks dismissal of Gold King Mine spill lawsuit](#)

## **Officials**

[Washington Post- EPA tried to discredit retirees after The Post published their criticisms](#)

## **PFAS**

[MLive-PFAS found in Parchment drinking water at 20 times advisory level](#)

## **Pesticides & Chemicals**

[E&E News-EPA releases health assessment for weedkiller](#)

[Bloomberg Environment-Chemical Monitoring Has Room for Improvement, EPA Report Says](#)

## **Superfund Sites**

[Bloomberg Environment-Companies Preparing Superfund sites for next major hurricane](#)

## **Vehicle Emissions standards**

[The Hill-New EPA head: Obama 'jumped the gun' on vehicle emissions standards](#)

[New York Times-Top Trump Officials Clash Over Plan to Let Cars Pollute More](#)

## **Full Articles**

### **Region 2 News**

#### **UNION-SUN & JOURNAL**

[EPA to clean lead-tainted soil at 26 homes in Lockport](#)

**CLEANUP: Roughly 14,000 cubic yards of contaminated soil to be removed near Eighteen Mile Creek.**

July 27, 2018



The U.S. Environmental Protection Agency has proposed cleaning up lead-contaminated soil at roughly 26 residences that are impacted by the former Flintkote Plant property at the Eighteen Mile Creek Superfund Site.

As part of a multi-phased, comprehensive cleanup of the Eighteen Mile Creek Site, the EPA is proposing the removal of roughly 14,000 cubic yards of contaminated soil and off-site disposal at facilities licensed to handle the waste. The excavated areas will be restored and backfilled with clean soil.

"EPA is committed to taking action to address the significant health threat lead contamination poses across the country," said EPA Regional Administrator Pete Lopez. "The plan proposed for this site will address the lead in the soil that children and families could be exposed to on these properties."

The agency said it has provided property owners with their specific soil sampling results and has discussed preventative measures to reduce exposure before an action can be taken. Once the EPA gets public input on its proposal and finalizes a plan for these properties, the agency officials said they will coordinate with the property owners to minimize impacts and inconveniences associated with construction.

Once the final plan is selected, EPA will take more soil samples to determine more conclusively the number of residential properties that need soil cleanup. EPA will monitor air near the work areas to ensure protection of residents and the surrounding community.

Eighteen Mile Creek has a long history of industrial use dating back to the 1800's. The headwaters of the Creek consist of an east and west branch beginning immediately north of the New York State Barge Canal in Lockport. Eighteen Mile Creek flows north approximately 15 miles and discharges into Lake Ontario in Olcott. Investigations at the site show that sediment and soil in and around Eighteen Mile Creek and nearby properties are contaminated with a variety of pollutants, including polychlorinated biphenyls (PCBs) and lead.

The former Flintkote Plant property located at 198 and 300 Mill Street operated between 1928 and 1971 and manufactured felt products.

## ALBANY TIMES UNION

### Coeyman acres Albany bought for its dump site now eyed as state wildlife area

By Brian Nearing

July 27, 2018

Woods and fields in Coeymans once envisioned as a new dump for the city of Albany might instead become the state's newest nature preserve.

The state Department of Environmental Conservation is eyeing purchase of 361 acres to the west of the Thruway, which the city has owned for a dozen years since its plans to build a landfill failed to materialize.

In a June 13 letter, DEC staffer Bruce O'Mara-Hulbert told Coeymans Supervisor Phillip Crandall that the state wants to buy the land off Old Ravena Road to create a Wildlife Management Area. It would be called the Coeymans Creek WMA. WMAs can be used for hunting, hiking, fishing, trapping, bird watching, and cross-country skiing.



The land was once slated to replace the current Rapp Road landfill in a plan pushed by former Mayor Jerry Jennings' administration. But it was stymied due to opposition from town officials and residents, as well as by the federal government marking much of the property, which contains Coeymans Creek, as protected wetlands.

"Our Town Board is supportive of this purchase by DEC," town Supervisor Phillip Crandall said. "We have sent a letter on this to the state."

Crandall said the town wants to avoid any potential repeat of plans to use the property for industrial development or waste storage. "The best we can hope for is for the state to purchase it," he said.

O'Mara-Hulbert's letter indicated the state anticipates paying for the property using the Environmental Protection Fund. The letter did not indicate a potential purchase price.

DEC issued a brief statement: "The city asked DEC to re-evaluate the property after the private purchaser fell through, and we are going through the process in consideration of acquiring the property."

A spokesman for Albany Mayor Kathy Sheehan declined comment.

In March, a deal by the city to sell the property for \$620,000 to owner of the nearby Port of Coeymans collapsed because of access limitations caused by an expired right-of-way to Route 144. That access was part of the 1993 original sale agreement.

CM Recycling LLC, a subsidiary of Carver Cos. owned by Carver Laraway in Coeymans, intended to build a industrial park on the site, but withdrew the offer because it would not have adequate access for large commercial vehicles.

The city recently had the property appraised for \$3.2 million.

Albany paid \$5.2 million for the land between 1993 and 2006 under a complicated purchase option arrangement that — with legal delays — boosted the price from an original agreement of \$3.9 million. The purchase was challenged unsuccessfully in court by Coeymans officials and dump opponents.

The land was sold to the city by Ten Eyck Powell Jr., a former Democratic Coeymans Town Board member, who owned about 201 acres; John Frangella, a former Republican assistant town assessor, and his wife, Judith, who owned about 87 acres; and the trust of Martha and Mary Kinley, which owned about 75 acres.

Dump opponents branded the inflated sale price to the city as evidence of a sweetheart deal among prominent Democrats and Republicans. The owners' lawyer, John T. Biscone, was a Coeymans supervisor, Democratic town chairman, part-time county public defender and Albany County Ethics Board member.

QUEENS COURIER

Many Queens areas will be sprayed with pesticide Tuesday as city amps up its war on mosquitoes

By Robert Pozarycki

July 27, 2018



The city plans on stepping up its war on mosquitoes in a big way throughout Queens this Tuesday night.

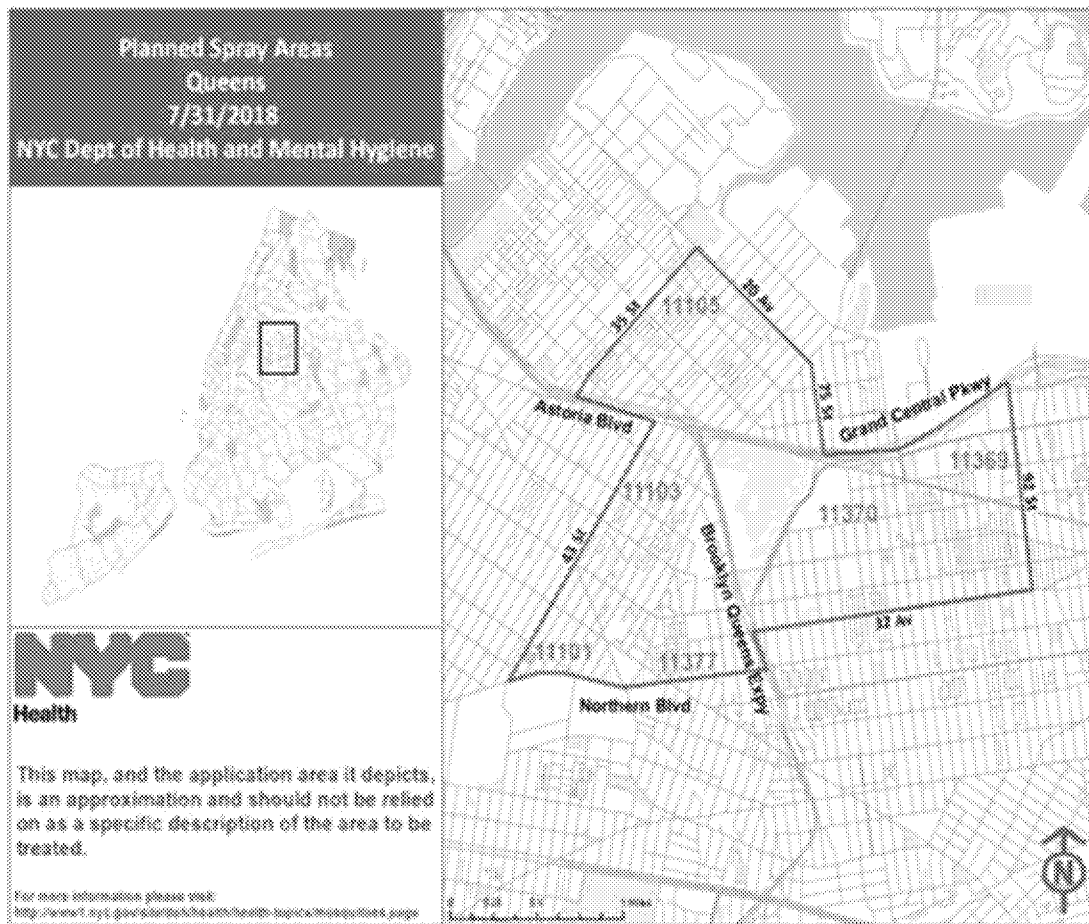
Three clusters of neighborhoods in northeast, northwest and central Queens will be sprayed with pesticide on July 31 from 9 p.m. and 6 a.m., weather permitting. Trucks will drive around spreading a very low concentration of DUET and/or Anvil 10+10, both of which target adult mosquitoes flying around.

Since June, the city has been using larvicide and pesticide across Queens and other parts of the city in an effort to control the mosquito population. The pests are known to carry the West Nile virus, a potentially deadly illness that's transmitted to humans through mosquito bites.

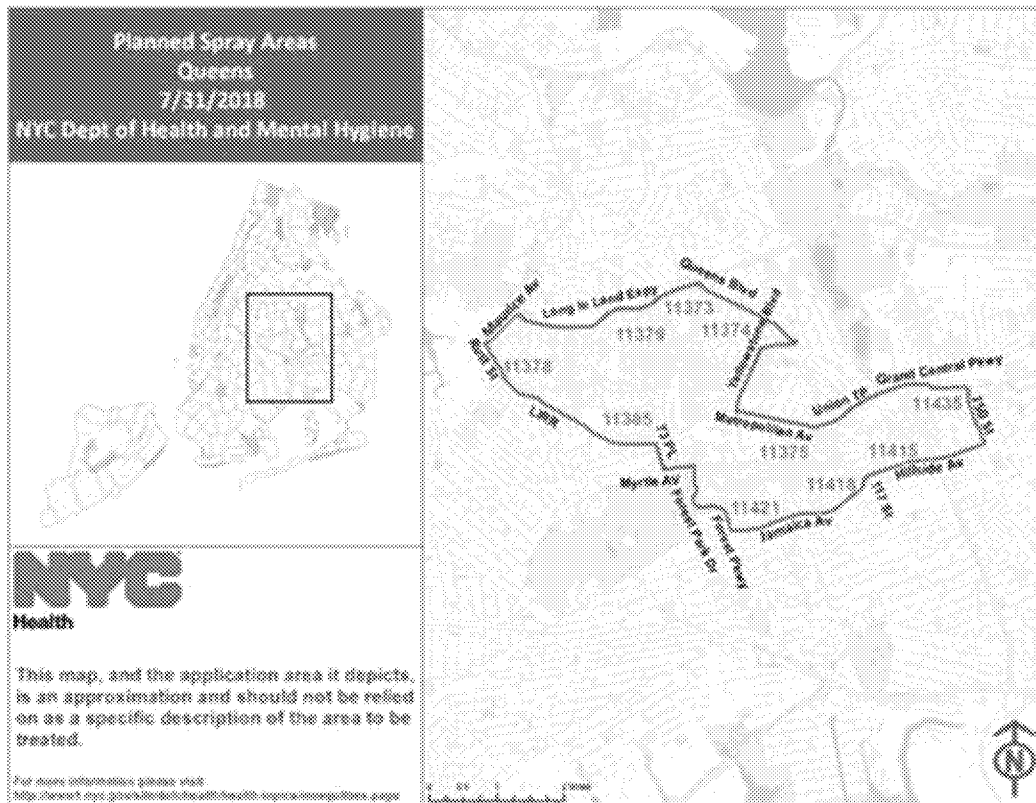
The pesticides pose low risks to humans and pets, but the city's Health Department suggests that residents — especially those with respiratory conditions that could be aggravated by exposure — stay inside during spraying hours. Air conditioners may be used, but you should keep the vents closed or use the recirculate function.

Before the spraying starts, you should bring inside any outdoor items; anything left outside should be thoroughly washed before reuse.

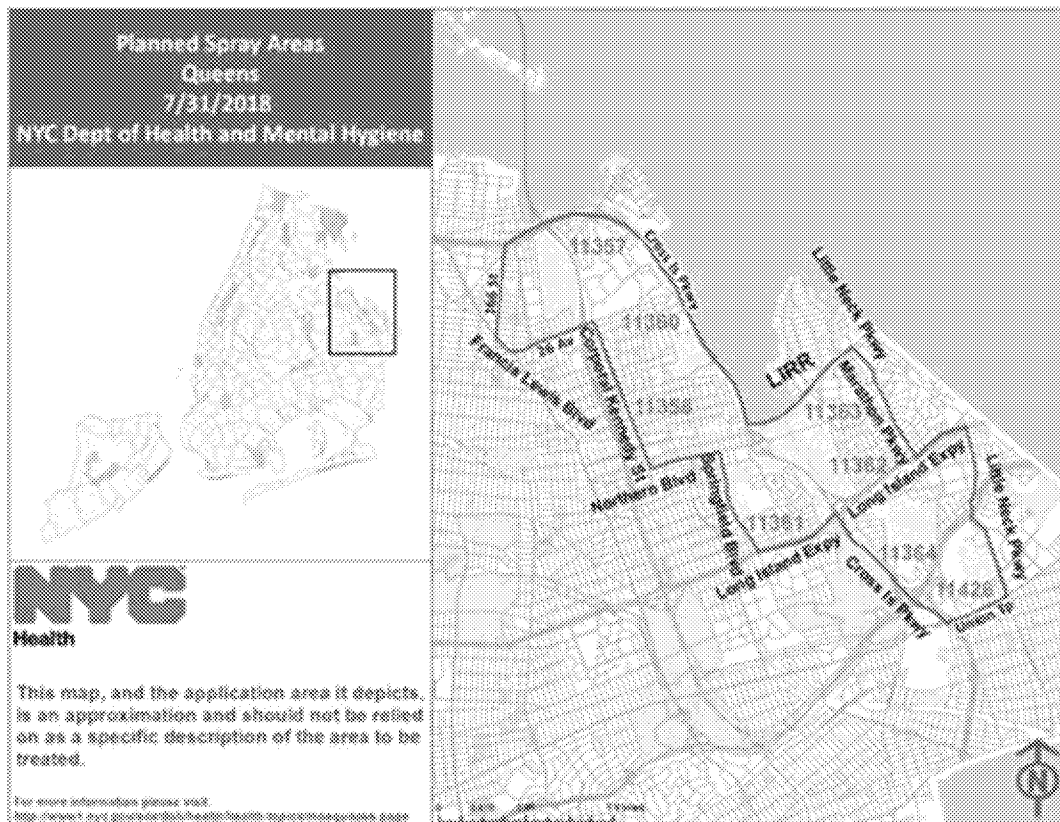
The three spraying areas in Queens to be sprayed on July 31 are as follows:



- Areas of Astoria, East Elmhurst, Jackson Heights and Woodside bounded by 20th Avenue, 75th Street and the Grand Central Parkway on the north; 32nd Avenue, the Brooklyn Queens Expressway and Northern Boulevard to the south; 92nd Street to the East; and 35th Street, Astoria Boulevard and 43rd Street to the west.



- Areas of Briarwood, Forest Hills, Glendale, Jamaica, Kew Gardens, Maspeth, Middle Village, Rego Park, Richmond Hill and Woodhaven bounded by the Long Island Expressway, Queens Boulevard, Yellowstone Boulevard, Metropolitan Avenue, Union Turnpike and Grand Central Parkway on the north; Hillside Avenue, 117th Street and Jamaica Avenue to the south; 150th Street to the east; and Forest Parkway, Forest Park Drive, Myrtle Avenue, 73rd Place, the Long Island Rail Road, Rust Street and Maurice Avenue on the west.



- Areas of Bayside, Bay Terrace, Beechhurst (Whitestone), Douglaston and Little Neck bordered by the Cross Island Parkway and Long Island Rail Road on the north; Union Turnpike, Cross Island Parkway, Long Island Expressway, Springfield Boulevard, Northern Boulevard, Corporal Kennedy Street and 26th Avenue to the south; Little Neck Parkway, Marathon Parkway and the Long Island Expressway to the east; and Francis Lewis Boulevard and 166th Street to the west.

In the event of inclement weather, the spraying will be postponed until Wednesday, Aug. 1, during the same timeframe. For more information, call 311 or visit [nyc.gov/health/wnv](http://nyc.gov/health/wnv).

Do your part to protect yourselves against mosquitoes this summer. Remember to drain any standing water on your property and, when outside, to use an approved insect repellent containing DEET, picardin, oil of lemon eucalyptus (except for children 3 years of age and under) or the active ingredient IR3535. Keep all swimming pools chlorinated, or covered when not in use.

NJ ADVANCE MEDIA

### Everyone uses bottled water after Legionnaires' disease found in N.J. town hall

By Jessica Mazzila

July 27, 2018

Employees at West Orange town hall were drinking bottled water and washing their hands with hand sanitizer after a colleague was diagnosed with Legionnaires' disease, and water at the public building tested positive for the bacteria that causes the disease.

The longtime employee was hospitalized two weeks ago, West Orange officials confirmed Friday. Results of testing at town hall revealed Thursday that five of 10 samples of water contained elevated levels of the bacteria that causes Legionnaires' -- a severe and potentially deadly form of pneumonia.

The employee has since recovered, town officials said. The water at town hall was disconnected Thursday, and water at all other municipal buildings is being tested, officials said. Test results take two weeks.

Thursday night, filters were installed on all public water sources at the municipal building, officials said, the first of several remediation efforts being taken.

"We have been assured by outside consultants and experts that by shutting down the potable water supply, installing filters ... replacing the hot water heater which has already been disconnected and making plumbing repairs that the conditions will be remedied and safe," West Orange Mayor Robert Parisi said in a statement.

"The township is giving this health issue the importance and attention it demands."

Legionnaires' is not contagious from person to person, or caught by drinking or touching contaminated water. It is contracted by inhaling contaminated water mist, health officials say.

The town has had just this one case of the disease, and is not recommending town-wide testing of the water supply, a township spokeswoman said, adding that "it's up to individuals to test their homes, as in the event of any environmental matter."

N.J. sued to keep 'super-polluters' off the road. The Trump EPA just backed off, for now.

By Michael Sol Warren

July 27, 2018



Gov. Phil Murphy's administration is getting its wish: those "super-polluting" trucks known as gliders won't be flooding the roads.

A week after New Jersey joined a coalition of states in suing the U.S. Environmental Protection Agency over a policy that would have allowed more "glider" trucks on American highways, the federal agency is changing its course.

In a memo released on Thursday, EPA Acting Administrator Andrew Wheeler decided that Obama-era regulations on the trucks were not "extremely unusual circumstances." Therefore, there could not be sudden policy change.

The EPA's decision to rollback the glider truck restrictions came on July 5 - the final day of Pruitt's scandal-plagued tenure as EPA administrator.

"I have concluded that the application of current regulations to the glider industry does not represent the kind of extremely unusual circumstances that support the EPA's exercise of enforcement discretion," Wheeler wrote in the Thursday memo.

In 2016, under President Obama, the EPA passed regulations that would limit the number of gliders that could be manufactured in the U.S. to just 300 per year, per manufacturer.

"Today, everyone in New Jersey can breathe easier knowing that production of glider trucks will continue to be limited," said New Jersey Department of Environmental Protection Commissioner Catherine McCabe.

Glider trucks, the vehicles in question, are rebuilt trucks with a new cab on an old engine. According to the EPA, most glider trucks use engines built before 2001. Those old engines often do not meet stricter emissions regulations, implemented by the Obama administration in 2010.

That matters because automotive emissions are the leading contributor to ozone pollution in New Jersey, according to the NJDEP.

While ozone is an important element of the atmosphere at high altitude's, near-surface ozone forms what is more commonly called smog. When inhaled, smog can caused inflammation in a person's respiratory system; it is sometimes described as sunburn for the lungs.

In its 2018 State of the Air report, the American Lung Association found that New Jersey continues to struggle with ozone pollution. That finding was echoed by an Environmental New Jersey report issued earlier this month.

Wheeler's directive may be just a temporary reprieve, however. In an interview with the Washington Examiner this month, Wheeler described the Obama glider regulations as being unfair to the truck manufacturers.

New Jersey was joined by California, Delaware, Illinois, Maine, Maryland, Massachusetts, Minnesota, New York, New Mexico, North Carolina, Oregon, Pennsylvania, Rhode Island, Vermont, Washington, and Washington, D.C. in challenging the glider rule rollback.

"I was proud to stand up and challenge Scott Pruitt's final act as EPA Administrator, which put personal politics before the public's health and safety," said New Jersey Attorney General Gurbir Grewal. "States like New Jersey have been standing up to EPA ever since I took office, and EPA's decision to admit defeat and continue enforcing important limits on super polluting trucks shows why our work matters."

Environmental groups like the Sierra Club had also challenged to the rollback in separate action.

"This is the first real time we stopped Trump in a major attack on the environment," Jeff Tittel, the director of the New Jersey Sierra Club, said on Friday. "We need to remain vigilant and keep fighting Trump's rollbacks to protect our air and our lungs."

Since the Murphy administration took the reins in Trenton in January, Grewal has been aggressive in pushing for stricter federal environmental policies. Just this week, Grewal has called for the U.S. Supreme Court to reverse a lower court decision that restricts greenhouse gas regulations and pushed back against the federal government's approval process for natural gas pipelines.

*3:06 p.m.: This story has been updated to included comments from New Jersey Attorney General Gurbir Grewal and NJDEP Commissioner Catherine McCabe.*

## NJ SPOTLIGHT

### AG Challenges Federal Agency for Inadequate Review of Gas Pipelines

### **Gurbir Grewal among several attorneys general critical of FERC's decision to not take climate change into account in certification process**

By Tom Johnson

July 27, 2018



The Federal Energy Regulatory Commission is failing in its mission if it does not consider how new natural gas pipelines contribute to climate change, according to comments submitted yesterday by New Jersey's Attorney General Gurbir Grewal.

Joining five other states and the District of Columbia in a challenge to FERC's inadequate review of the pipelines, Grewal told the federal agency its present policy for pipeline review and certification does not fully satisfy its obligations to protect the public interest.

"Unless FERC considers how a new pipeline contributes to climate change, it cannot fulfill its statutory mission, because there is nothing more critical to the public interest," Grewal said in the accompanying comments. The agency is seeking input on updates to its gas pipeline certification policy, which was last updated in 1999.

Grewal and the other states' position contrasts with FERC's recent announcement that it will refuse to consider the greenhouse-gas impacts of new pipelines, a decision described by critics as the "wrong call."

The federal agency has come under intense scrutiny in recent years as cheap natural gas supplies have led to a rapid expansion of pipelines across the country, including New Jersey. More than a dozen new gas pipelines have been proposed in the past few years, most triggering enormous opposition from residents and conservation groups.

**Grewal: 'FERC needs to be much more careful'**

The Attorney General's office has joined that fight also, challenging FERC's decision to grant a certificate authorizing the PennEast Pipeline Company, LLC, to move forward with a 120-mile project through parts of Pennsylvania and New Jersey.

Not only does FERC ignore climate-change implications, the Attorney General argued the agency fails to consider the full range of environmental impacts. "As the Attorney General for a state impacted by natural gas pipeline approvals, I know that FERC needs to be much more careful in its overall approach to pipelines," he said.

New Jersey Department of Environmental Protection Commissioner Catherine McCabe agreed, saying now is the time for the agency to analyze and reduce environmental harms. "Reducing and responding to climate change is a priority for the DEP," McCabe said, "and there is an urgent need for FERC to improve its review process to account for all environmental harms."



The attorneys general who are challenging FERC argued that, by declining to account for greenhouse gas-emissions, the agency has failed to comply with the National Environmental Policy Act, which requires that all the environmental impacts of its decisions must be considered.

Other groups also called for an overhaul on how FERC reviews pipelines. The New Jersey Conservation Foundation argued that FERC should not accept contracts with a pipeline company's own affiliates as proof of market demand and should eliminate the authority to seize land through eminent domain before a pipeline has received all its permits.

FOX NEWS

#### Chip Gaines releases lead paint safety video following EPA violations, \$40G fine

BY Janine Puhak, FOX NEWS

July 27, 2018

Chip Gaines certainly knows how to shine in front of the camera, although the former HGTV star's latest broadcast involves a more serious matter than shiplap or demo day: the dangers of lead paint.

On July 26, the home-renovation mogul from Waco, Tex., posted a video to Instagram of himself in a hazmat suit, which teased a clip on the Magnolia blog about the potential hazards of lead-paint removal. The clip also comes well over a month after Gaines and his wife Joanna were fined by the Environmental Protection Agency for violating lead-paint protocol.

"Listen, let me give you some advice. If you're ever considering renovating a pre-1978 home, hire someone to do it for you, because federal rules require them to be certified and trained to do it safely, to make sure the renovation activates don't spread lead dust," the 43-year-old says.

"There are additional state and local rules renovators have to follow to in some parts of the country to properly handle lead in renovations. If you hire someone to renovate your pre-1978 home, make sure you check to see that they're lead-safe certified."

"You don't have to be lead-safe certified if you do it yourself. The rules do not apply to DIYers," he adds in the five-and-a-half minute clip. "However, it's a very good idea for you to understand the rules to protect yourself and your family."

Back in June, Gaines and his wife Joanna were smacked with a \$40,000 fine from the Environmental Protection Agency after the stars' company, Magnolia Homes, was accused of violating proper protocol regarding lead-based paint at 33 properties, Fox News reported at the time.

In addition, the parents of five agreed to spend an additional \$160,000 to abate lead-based paint hazards in homes and child-occupied facilities in their hometown of Waco.

The EPA said it reviewed video footage of renovations of older homes in multiple seasons of "Fixer Upper" and found it "did not depict the lead-safe work practices" required by the Lead Renovation, Repair and Painting Rule (RRP). The agency said Magnolia "took immediate steps to ensure compliance with" regulations in the future, as soon as it was notified.

In compliance with the EPA settlement, Gaines addressed the hazards of lead paint on "Fixer Upper," has discussed lead-based paint safety on his social media account, and released the aforementioned video regarding the dangers of the substance.

The EPA said Magnolia was cooperative in its investigation and volunteered information.

Lead can affect the body's organs, and children are particularly susceptible to the dangerous effects, according to the EPA.

## BUFFALO NEWS

### EPA proposes excavating lead-laden soil at 26 Lockport homes

By Thomas J. Prohaska

July 27, 2018

Stanley Czaplicki likes growing vegetables in his Lockport backyard.

"Then all of a sudden I saw the EPA down at the other end of the street," he recalled Friday. "They were testing soil."

Now, the Environmental Protection Agency wants to excavate the soil on his property as well as 25 other parcels in the city's neighborhood east of the former Flintkote plant.

The federal agency Friday disclosed plans to excavate soil containing elevated levels of lead from the 26 properties. The Flintkote plant is believed to be one of the primary sources of pollution that made a Superfund site of the entire length of Eighteen Mile Creek, from Lockport to Olcott.

Czaplicki still grows tomatoes, cucumbers and peppers this year, and plans to eat them, despite what the EPA advises.

"I asked one of the senior EPA guys if he thought that was a good idea," Czaplicki said. "He said, 'No, not really.' "

If the \$6.7 million project wins final approval, work would begin next year or in 2020, EPA spokesman Michael Basile said.

Residential soil excavations are not unprecedented. The state Department of Environmental Conservation has been excavating soil for 22 years in Middleport because of high arsenic levels blamed on the FMC Corp. plant. The EPA excavated more than 100 properties near the NL Industries site at Walden Avenue and Transit Road in Depew between 2005 and 2010 because of lead contamination.

In Lockport in the meantime, Basile said residents have been told it's safe to live in Lockport's Lowertown district, but they should take precautions, such as cleaning their shoes after walking on their lawns.

"We kind of suggested to people if they were going to be putting in a garden, not to," Basile said.

The proposal calls for the removal and off-site disposal of about 14,000 cubic yards of soil from the properties on Mill, Chapel, North Adam, Porter and Frost streets. The EPA would replace the contaminated dirt with clean soil.

That means digging from 6 to 18 inches deep, depending on the test results on each property where soil samples were taken last year, Basile said.

"If we have to go deeper, we will," Basile said.

"Take it all. Fill it," said Czaplicki of North Adam Street.

"Get it out of here," agreed Harold Fitzsimmons of Mill Street, another affected resident. "I know they talked about one spot in the back of my backyard that they said that's the highest concentration."

Asked if he's worried about that, Fitzsimmons said: "After living here for 30 years, what's the point? If I got it, I got it."

"I'm not worried for me. I'm worried about the kids here in the neighborhood," Czaplicki said. "It's going to affect the young kids more than it's going to affect me."

EPA map of Eighteen Mile Creek Corridor in Lockport shows excavation zone in red at upper center. Flintkote property is in purple.

The EPA also evaluated a cheaper \$3 million option, removing only 6 inches of soil and placing a membrane under the clean replacement soil to seal in any lead beneath it, but the agency decided that wouldn't do enough to protect residents.

Flintkote, which went out of business after a 1971 fire, produced sound-deadening felt for use in vehicles. The site had been a paper mill and, before that, a sawmill, dating back to the 1830s.

Basile said the EPA believes that wind blew the lead onto the home lots.

"The lead that we found matches the fingerprint from Eighteen Mile Creek, forensically," he said.

Test results on four other properties on North Adam Street are not in yet, so the number of excavated properties may rise to 30, Basile said.

One of those four homeowners, Kathleen Rounds, said she favors excavation if her yard's test results show high lead levels.

"I don't know if it makes me nervous because I've lived here so long," said Rounds, a 30-year resident. "I always make jokes about it. I say we have big-size ants because I live near the chemical company."

The EPA has called a public meeting on its plans for 7 p.m. Aug. 16 at the 4-H Training Center, 4487 Lake Ave., Lockport, and also began a 30-day public comment period on the plan Friday.

Residents were to receive phone calls from the EPA on Friday with an offer for private meetings about the lead on their properties, Basile said.

In 2013, the EPA decided to buy out five residents on Water Street, on the west bank of the creek across from the Flintkote plant, because high creek waters washed water containing cancer-causing PCBs onto their properties.

By 2015, the purchases were made and the houses were demolished. The EPA also tore down the ruins of Flintkote in 2014 and 2015.

Tests on the 26 properties to be excavated show few or no PCBs, but any there would be removed along with the lead, the report says.

The EPA also has a \$23 million plan on tap to removed contaminated sediment from the creek bed in Lockport.

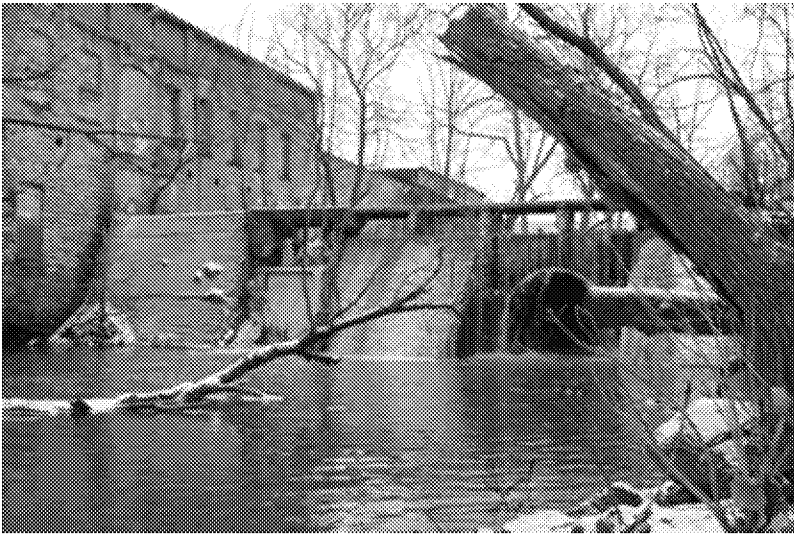
Niagara Gazette

EPA to clean lead-tainted soil at 26 homes in Lockport

**CLEANUP: Roughly 14,000 cubic yards of contaminated soil to be removed near Eighteen Mile Creek.**

By Staff

July 27, 2018



This file photo shows Eighteen Mile Creek as it flows behind 62 Mill St. at the former Lockport Paperboard property. This section was on the EPA's list for dredging to remove PCBs, lead and other contaminants.

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Brooklyn Paper

[Park it elsewhere: Public-housing tenants pan idea to put Double-D pool's stand-in on their pavement](#)

By Julianne Cuba

July 27, 2018

They're shooting this pool plan down.

Residents at a Boerum Hill public-housing complex told the Feds to sink their proposal to put a temporary pool on a parking lot there when Gowanus's Double-D closes as part of the Gowanus Canal cleanup, claiming they lost enough spots already after the city ceded other pavement at the property for a pair of privately owned towers.

The Environmental Protection Administration leaders in charge of scrubbing the Superfund site told Gowanusans in June that they are eyeing a parking lot at Wyckoff Gardens as a possible place for the short-term swimming hole, months after the city announced that it tapped developers Two Trees and The Arker Companies to build two 16-story buildings with 500 apartments — half of which will rent for below-market-rate — on blacktop at the complex.

And those towers will suck up too many parking spots as it is, the residents argued, so the Feds must search elsewhere for the interim splash zone.

"We don't want it because they are trying to put it on the back parking lot, that's the only parking space we will have because the other two went to developers," said Wyckoff Gardens tenant Paula Smith, a member of the complex's resident-watch program. "We already sacrificed space."

Another tenant who supported the plan to build the temporary pool — which federal officials promised after revealing they must drain and demolish the Double-D because the ground it occupies within Thomas Greene Playground must be excavated and purged of toxins as part of the Gowanus Canal's cleanse — agreed that it should go somewhere other than on her neighbors' parking spaces.

"Where are the residents going to park? I don't understand where they are getting all this space from, it's insane, there's no space," said Wyckoff Gardens Resident Association member Monica Underwood.

The residents' pushed back against the proposed location for the pool at a Wednesday meeting hosted by Gowanus Councilman Stephen Levin and local civic leaders on the North Gowanus Vision Committee, where other attendees floated ideas for alternate sites to build the stand-in swimming hole.

Some of those sites are privately owned, however, including the lot at 270 Nevins St. — which Council recently approved the use of eminent domain to seize from its owner, film studio Eastern Effects, if the city cannot work out a deal to buy the land and the next-door Butler Street parcel where the ancient Gowanus Station building stands as a location for a water-filtration facility required as part of the Canal cleanup.

The Gowanusans also suggested several plots along the fetid waterway owned by private developer Property Markets Group, as well as publicly owned streets that dead-end at the banks of Brooklyn's Nautical Purgatory, which the locals said city transit gurus could close off to traffic.

A rep for Eastern Effects declined to comment on whether its bigwigs would agree to a deal to hand over its land for the pool and filtration facility, and a Property Markets Group rep did not immediately respond to a request for comment.

NJ BIZ

[Cleanup proposed for Gibbstown superfund site](#)

By Elana Knoppat

July 27, 2018

The U.S. Environmental Protection Agency on Friday proposed a cleanup plan for the Hercules Inc. superfund site in Gibbstown.

The EPA is proposing a combination of excavation and treatment to address contamination to the soil, sediment and groundwater caused by previous chemical manufacturing operations at the site.

The site encompasses an 80-acre former process area and 4-acre area known as the solid waste disposal area.

Operations at the plant ceased in 2010.

"EPA is proposing several cleanup technologies that we believe will address the contaminated soil, sediment and groundwater at this site and protect the health of this community," said EPA Regional Administrator Pete Lopez in a statement. "Under EPA's oversight, the site has been assessed and has resulted in the treatment of 2 billion gallons of contaminated groundwater."

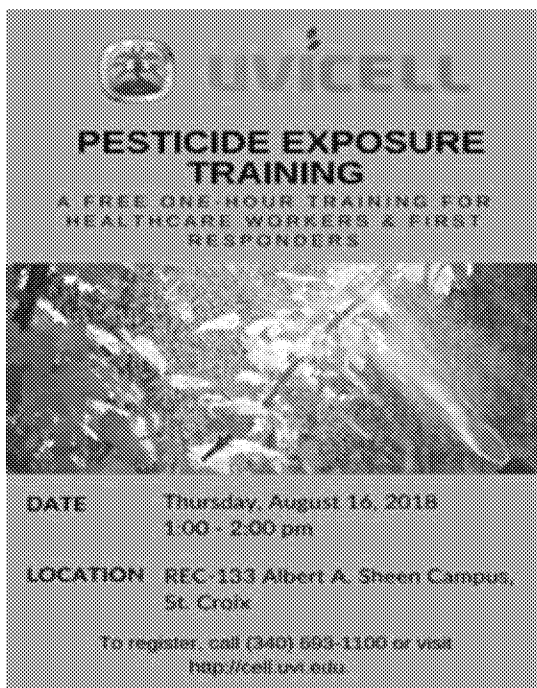
The EPA will hold a public meeting on the proposed cleanup plan Aug. 16.

## Virgin Islands News

### VI CONSORTIUM

Mapp Thanks Lawmakers For Approval Of Limetree Bay Oil Refining Deal, Urges Quick Action On GERS, Hotel Development Measures

July 26, 2018



Governor Kenneth Mapp in a release issued Thursday thanked the members of the 32nd Legislature for the ratification of an agreement which will allow oil refining to resume on St. Croix, bringing hundreds of new jobs and millions in new revenues to the U.S. Virgin Islands.

“This is a good day for the people of the Virgin Islands as we have signified to the outside world that following two Category 5 hurricanes, we are truly open for business and private sector investment in our community,” the governor said. “I deeply appreciate the Legislature’s efforts to thoroughly vet this agreement and would like to thank the senators that supported it. I am also, of course, extraordinarily grateful for the hard work that our team put into negotiating this landmark deal.”

According to the Government House release, Mr. Mapp said that much work lies ahead as senators did not act on the proposal in its entirety and that he remains particularly concerned about provisions being removed that would directly enhance the solvency of the Government Employees Retirement System (GERS). The governor’s original proposal called for GERS to receive half of the \$615 million to be generated by the refinery over the next ten years.

“I look forward to working with the Legislature to bring some peace of mind to our retirees,” he said. Senators did not consider the portion of the proposal that calls for the acquisition of Havensight Mall from GERS and the lease of the Port of Sale property facility by the Virgin Islands Public Finance Authority. Senators shared a number of concerns, among them the question as to why GERS should sell a property that is making a profit.

“If given the approval by the Legislature, we can then redevelop these areas and give GERS 50 percent of the net revenues in perpetuity,” the governor persisted. “Additionally, senators did not act on a \$10 million equity loan to Island Global Yachting for the construction of a new 110-room hotel at Yacht Haven Grande.”

The former HOVENSA refinery had been shuttered for nearly five years when Governor Mapp assumed office in 2015 and its closure had virtually destroyed St. Croix’s economy, Government House said. It added that the Mapp administration made reopening the facility among its highest priorities and through the governor’s assertive efforts, the Government of the Virgin Islands eventually assumed ownership of the refinery, selling a large portion of it to ArcLight Capital for oil storage.

Under the new agreement with ArcLight Capital, ratified early Thursday morning, the owners of what is now called Limetree Bay Terminals, will invest approximately \$1.4 billion to refurbish the existing refinery. More than 1,300 local construction jobs are anticipated for the building phase. Once refining operations commence at the end of 2019, as many as 700 permanent jobs will be created. The new jobs will be in addition to the more than 750 jobs now at the terminal storage facility.

The governor said housing and meals will be provided to St. Thomas and St. John residents who are hired to work at the refinery.

Upon the closing of the transaction, ArcLight Capital will make a \$70 million payment to the GVI. The payment includes \$30 million for the purchase from the government of approximately 225 acres of land and 122 homes. This property was acquired as part of the government’s settlement of claims against the refinery’s former owners. The Virgin Islands Government will retain the vocational school and the more than 350 acres of land it had received in the 2016 settlement. The closing payment also includes a \$40 million prepayment of taxes by a new refinery entity created by ArcLight Capital to operate the facility.

After crediting the \$40 million of prepaid taxes with interest of roughly \$8 million, ArcLight Capital will make annual payments to the government in lieu of taxes at a base rate of \$22.5 million a year. With market adjustments based on the refinery’s performance, this could increase to as much as \$70 million per year, but will not be less than \$14 million a year, Government House said (if refining drops below 10,000 barrels per day, however, the minimum payment to the government is zero). The initial refining operations will provide for the processing of approximately 200,000 barrels of crude oil per day, Government House said.

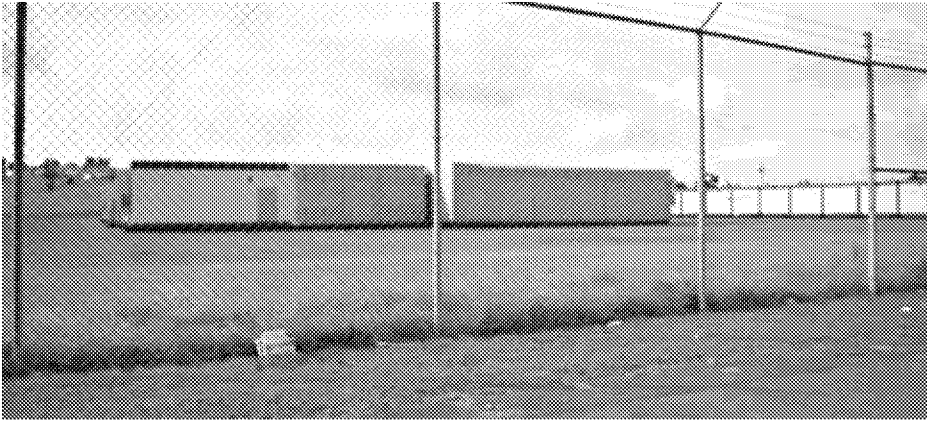
According to industry experts and consultants Gaffney, Cline & Associates, the U.S. Virgin Islands anticipates more than \$600 million over the first 10 years of the restart of the refining operations. This income is in addition to the \$11.5 million currently flowing to the government from the oil storage terminal each year.

VI CONSORTIUM

## Oil Refining On St. Croix To Restart As Senators Ratify Landmark Agreement

By Ernice Gilbert

July 26, 2018



Modular units for an oilfield housing camp, also known as a “man camp,” are placed in a Limetree Bay parking lot in preparation for turnaround work set to start later this year. (Credit: VI Consortium)

Six years after HOVENSA shuttered on St. Croix, oil refining is set to restart on the island at the same south shore facility that was once the location of a booming oil industry, this time under the leadership of Limetree Bay Terminals, whose owner is ArcLight Partners, LLC.

The ratification of the agreement, Bill No. 32-0246, between the Government of the Virgin Islands and Limetree Bay Terminals, came during a daylong Senate session at the Earl B. Ottley Legislative Hall in St. Thomas on Wednesday that ended around 12:12 a.m. Thursday, with 9 senators voting for the restart of oil refining, 5 voting against and one absent. The breakdown of votes is as follows:

- Janette Millin Young ⇒ No
- Positive Nelson ⇒ No
- Dwayne DeGraff ⇒ No
- Tregenza Roach ⇒ No
- Alicia Hansen ⇒ No
- Marvin Blyden ⇒ Yes
- Jean Forde ⇒ Yes
- Brian Smith ⇒ Absent
- Janelle Sarauw ⇒ Yes,
- Kurt Vialet ⇒ Yes
- Novelle Francis ⇒ Yes
- Sammuel Sanes ⇒ Yes
- Nereida Rivera-O'Reilly ⇒ Yes
- Myron Jackson ⇒ Yes
- Neville James ⇒ Yes

The majority moved to separate the Government Employees' Retirement System and hotel development at Yacht Haven Grande agreements from the oil refining deal, to be dealt with separately at a later date.



When HOVENSA shuttered in 2012, the impact was equivalent to a major disaster that all but wiped out the middle class of St. Croix, sent thousands migrating for opportunities — some to maintain the lifestyles that HOVENSA had afforded — and caused the closure of multiple businesses, among other economic disruptions. The closure of the refinery was upon a recession that the territory was reeling from, and the U.S. Virgin Islands never quite recovered from its heyday of economic boom.

Modular units for an oilfield housing camp, also known as a “man camp,” are placed in a Limetree Bay parking lot in preparation for turnaround work set to start later this year. (Credit: VI Consortium)

The Limetree Bay oil refining agreement, though not on the level of HOVENSA relative to employment, will help St. Croix regain its economic footing, with 1,300 jobs being created during the constructing phase (turnaround period), which is expected to start this year and continue through 2019, and about 700 jobs once oil refining starts in 2020.

ArcLight Partners, LLC is investing \$1.4 billion in the restart of the refinery, and with the ratification of the deal will move quickly to prepare the facility for refining to take advantage of a critical window of opportunity that ArcLight and Limetree Bay officials say will lead to the maximization of profits during a four-year period.

According to ArcLight and Mapp administration officials, a change to the rules of the International Convention for the Prevention of Pollution from Ships (known as MARPOL), lowers the amount of sulfur permitted in marine fuels (also known as bunker fuels) from 3.5 percent to 0.5 percent. When the rule revision comes into effect, the officials said, it will create an economic opportunity for the refinery to process discounted feedstocks and to produce low-sulfur marine fuels and other high value refined products. The change is set to take effect in 2020, and ArcLight is hoping to seize the window of opportunity with refining on the south shore ready also by 2020, allowing it to be one of the few refineries positioned that would be capable of meeting the new refining rules.

During closing statements ahead of the historic vote, senators gave reasons for their support or disapproval of the agreement.

“I do believe that the island of St. Croix needs that economic boost, Senator Sammuel Sanes said as he made his final case in support of the measure.

“Do I feel like we’ve gotten the best deal? Do I feel like this is the direction we want to go in? Do the people of the Virgin Islands really want this refinery?” Senator Positive Nelson, who ultimately voted against the deal, wondered aloud.

Senator Dwayne DeGraff complained that not enough time was given and kept going back to part of the agreement that sees Limetree Bay Terminals giving the Government of the Virgin Islands a \$40 million advance as part of the signing, only to retrieve that amount, along with \$8 million in interest, back through tax savings. Mr. DeGraff voted against the restart bill.

Senator Janette Millin Young, whose intention to vote against the measure was detectable since the July 20 Committee of the Whole hearing on St. Croix, held her stance and voted against the measure, stating that lawmakers had rushed the process, “but I ain’t no Russian,” she said.

Senator Alicia Hansen, who voted against the bill, gave a number of reasons for her decision, including concerns about the environment.

Senator Tregenza Roach shared his uneasiness with a number of matters as they relate to the agreement, and pointed to a portion of the deal that defines a Virgin Islander qualified to work at the refinery as a U.S. citizen or Green Card holder who have lived in the territory for one year. (During the July 20 hearing, lawmakers were reminded by Attorney General Claude Walker that the U.S. Virgin Islands is owned by the U.S. and that defining who constitutes a local any stricter would violate individual rights of American citizens.)

In support of the measure, Senator Janelle Sarauw spoke of the advantage that Limetree Bay would have were it to restart refining in 2020, giving it that crucial window of opportunity to be one of the leaders in refining low sulfur marine fuels. “The urgency of 2020 is that the territory has the ability to have a monopoly and be on the edge and they have an

edge when it comes to that market, and I don't think that the government or Limetree did a good job of explaining why 2020 was the date that they were pushing for," Ms. Sarauw said.

She concurred that the current deal isn't perfect by stating that no agreement is, and stressed that she wasn't given any kickbacks for her vote. But after looking at the agreement's pros and cons, she said the responsibility falls on government departments and agencies with certain jurisdiction relative to the agreement — namely the Department of Planning and Natural Resources for environmental enforcement, and the Department of Labor for job protections — to assure that the territory sees its full benefit as part of the deal.

Senator Novelle Francis spoke of a number of benefits that become available to the territory upon the agreement's approval and implementation. He spoke of the economic boon for St. Croix that is expected to trickle down to multiple sectors of the economy. The senator also mentioned a consultant that was hired by the Legislature who Minority caucus members said was paid \$50,000 to advise lawmakers. He said while the consulting firm raised some good concerns, it said, "In every agreement and contract there is an opportunity to improve upon one way or the other." The consultant, according to Mr. Francis, added that the agreement itself was not a deal breaker.

Senator Marvin Blyden, like others who supported the agreement, spoke of the jobs that the restart of refining would bring. "I do believe that when opportunity knocks you must take advantage because it only comes once; it does not come too often," he said.

Senator Kurt Vialet spoke of the 2015 Limetree Bay Terminals agreement, and how the results had outperformed expectations. "When we went over the original terminal agreement in 2015 we never realized that out of the 80 jobs that we ratified that it would have grown to 800-plus. We never realized that the \$120 million investment would have grown to \$260 million as we speak, not including payroll costs," Mr. Vialet said. "So when you look at the impact of that one deal that was done in 2015, and you look at the fact that we were able to generate 800 jobs, that is significant."

He added: "A lot of individuals say, 'Well, who get those jobs? Are most of those jobs outsiders?' Well I could vouch for the many individuals that I personally know. The many former students that graduated from [the St. Croix Educational Complex] that are now in the plant working and have been employed for the last couple years."

Mr. Vialet also assailed members of the Minority caucus, who he contended have found fault with a number of economy-stimulating agreements but at the same time claim they support diversification.

"We cannot continue to walk away from everything. I heard the same argument with the horse race agreement... We heard the same, same dialogue: 'Don't pass it, they're not going to develop, they're not going to do this' — every single development you're going to hear the same dialogue and then you say you want to diversify. How do you want to diversify when you don't want anything? You've got to want something."

Mr. Vialet went on: "But if you're going to walk away from 1,500 jobs and a possible 800 permanent jobs that create a middle income base, then that's up to you. If you're going to make a decision based on politics, that is up to you. My decision isn't based on who sent down an agreement, my decision is based on whether or not it is in the best interest of the Virgin Islands."

Majority Leader Neville James described the agreement as a bases clearing triple, using baseball terms. "It's not a home run because I, for one, agree with the minority leader in that I believe we have better negotiators in the Legislature than in the executive branch... But I know my role, and we're not in the negotiation business down here, we are in the ratification business, and tonight it's fish or fowl, baby, and we're going fishing," Mr. James said, adding emphatically, "I'm voting yes; St. Croix's been suffering for 6 plus years."

To give perspective of HOVENSA's impact on the island, Mr. James, doing some quick math, added 2,000 employees by \$70,000 per annum, the base salary at the former refinery. The amount is equivalent to \$140,000 million that went directly to middle class households.

Senator Jean Forde said while he was not satisfied with all the answers to his questions, and while he did not agree with all aspects of the agreement, "I am faced with the responsibility of making a decision that I feel is the best interest of the entire Virgin Islands."

Senator Nereida Rivera-O'Reilly, who throughout the July 20 hearing and Wednesday to Thursday session sought guarantees from testifiers that the environment would be protected, said she was satisfied with the responses she received.

"I am very comfortable with the agreement's conditions and provisions that deal specifically with the environmental, health and safety of our community, and our ecosystem," she said. "I am very comfortable that the agreement ensures that the operators of both the terminal and the refinery, as well as the HOVENSA Remediation Trust will continue to do what they need to do to clean up the site and to operate a facility that meets all E.P.A. [Environmental Protection Agency] standards and local."

Senate President Myron Jackson sought to set the record straight on his decision to support the agreement. "For the record, I was not bought by the governor and my vote is not related to the governor's reelection," he said. "It's not tied to him asking me to vote for it, but at the end of the day what's in the best interest of the people of this territory."

## National News

### Acting Administrator Wheeler

**Exclusive: Trump EPA to freeze Obama-era fuel standards for cars, light trucks**

<https://www.usatoday.com/story/news/politics/2018/07/26/trump-epa-freeze-obama-era-fuel-standards-cars-light-trucks/840816002/>

**By Ledyard King**

WASHINGTON – The Trump administration will formally lay out a plan as early as next week to revisit strict fuel-economy standards that had been set in motion under President Barack Obama, according to Andrew Wheeler, the new acting head of the Environmental Protection Agency.

Automakers, state officials, environmentalists and federal regulators had agreed in 2012 to increase vehicle efficiency to an average 34.5 mpg by 2016 across the fleet of American cars and trucks, with the standard then slated to rise yearly until it hits 54.5 mpg by the end of 2025.

**In an interview Thursday with USA TODAY, Wheeler argued that Obama acted prematurely when he increased the fuel-efficiency requirements before leaving office in 2017 and that the issue needs further review.**

**"They jumped the gun," Wheeler said. "It was a political attempt to try to move up the process and what we're doing is taking the deliberative process of looking at the midyear review the way it was originally intended to be done."**

**EPA is expected to make a joint announcement with the Department of Transportation offering alternatives to the scheduled fuel-efficiency standards.**

**Wheeler, who took over from embattled former EPA Administrator Scott Pruitt earlier this month, said the announcement is "probably coming out next week."**

**“We're proposing a list of options. We have a preferred option but I don't want to get ahead of the actual proposal before it goes out,” he said.**

The move is likely to be welcomed by U.S. automakers but will set up a fight with environmental groups and California, the most populous state and a leader in fuel efficiency.

President Donald Trump has long made clear he wanted to revisit the Obama-era mileage policies and in April, Pruitt said the administration would begin the process but he gave no details.

The Alliance of Automobile Manufacturers had sought a withdrawal of the higher fuel standards, arguing they would impose hefty costs and limit consumer options.

Anticipating a retreat from tougher standards, Tom Carper of Delaware, the top Democrat on the Senate Environment and Public Works Committee, said last week during a Capitol Hill hearing he fears the Trump administration "is looking to snatch defeat from the jaws of victory instead of working responsibly to achieve consensus."

The decision is not expected to directly address a related but separate issue of whether the EPA will revoke the waiver California received under the Clean Air Act to impose tougher fuel efficiency rules on cars and light trucks.

But environmentalists say the issues are tied to each other. They worry a decision to scrap the Obama-era standards would make it tougher for California to demand better gas mileage from carmakers.

Auto manufacturers are divided on the best course of action.

“Our priorities for modernizing the standards include the need for one national set of requirements where California and the federal government come to a nationwide agreement,” according to a statement from General Motors. “We look forward to reviewing the proposed standards once public and are committed to working with all parties to help achieve these goals.”

A Ford spokesperson pointed to a recent column from CEO Jim Hackett and Chairman Bill Ford saying, “We support increasing clean car standards through 2025 and are not asking for a rollback.”

Fiat Chrysler declined comment.

A spokesman for the Alliance of Automobile Manufacturers said he wanted to see the proposal before commenting.

## **Clean Power Plan**

### **Politico**

EPA says carbon rule replacement to be in place by early 2019

<https://subscriber.politicopro.com/energy>

Posted July 26, 2018 at 4:09pm By: Alex Guillen

EPA says it is seeking to hasten interagency review of its proposed replacement rule for the Clean Power Plan with an eye toward finalizing it in early next year.

The proposal went to OMB earlier this month, and while review often takes two to three months, EPA told a federal court today that it has asked for an expedited review to be finished in August.

"The Clean Power Plan replacement rulemaking is a high priority for the Agency, and EPA is committed to completing it as expeditiously as practicable," EPA wrote in its new filing to the D.C. Circuit Court of Appeals.

"EPA's intention and expectation is that the [notice of proposed rulemaking] will be published in the Federal Register by late summer or early fall so that the Agency will be in a position to take final action on the NPRM by the first part of 2019."

The D.C. Circuit has kept the case on hold while the Trump administration works on its Clean Power Plan replacement, though a few judges have expressed frustration at the administration's pace. EPA asked today for that stay to remain in place.

EPA's proposal is based on comments received from the advance notice of public rulemaking issued last year. The plan is expected to use on-site technologies and strategies to lower coal plant emissions while giving states more leeway on stringency, a dramatic departure from the Clean Power Plan's fuel-switching structure.

**WHAT'S NEXT:** EPA's filing indicates Federal Register publication could come by September, although that timeline could slip.

E&E News

Agency won't replace climate rule until 2019

<https://www.eenews.net/climatewire/2018/07/27/stories/1060091317>

Posted: July 27, 2018 By: Niina Heikkinen

EPA will not complete a replacement for the Clean Power Plan until at least early next year, new court filings show.

The agency told the U.S. Court of Appeals for the District of Columbia Circuit it was "hoping" to take its next step toward replacing the rule in August, before proceeding with additional steps in the rulemaking. EPA is waiting for the White House to weigh in on its draft proposal, the agency said.

"The Clean Power Plan replacement rulemaking is a high priority for the Agency, and EPA is committed to completing it as expeditiously as practicable," EPA wrote in a status report submitted to the court yesterday afternoon.

The latest timeline comes as EPA's acting administrator, Andrew Wheeler, has committed to continuing the regulatory priorities set out by the Trump administration. The agency is facing heightened pressure from the D.C. Circuit to show progress in rewriting the regulation.

The communication with the court is part of the periodic updates required by D.C. Circuit judges.

EPA sent a draft notice of proposed rulemaking to the White House Office of Management and Budget on July 9. The agency noted that the review process can take up to 90 days, and it asked for an expedited review. After the White House reviews the draft, EPA plans to publish the notice of proposed rulemaking in the Federal Register by "late summer, or early fall." EPA estimated it would not be able to "take final action" on the notice until the beginning of next year.

The latest court update comes after two judges informed the agency in June they would not vote to extend the abeyance on the case. A third judge also noted concerns about indefinitely delaying litigation (Greenwire, June 26).

Yesterday, EPA asked the court to again keep the case in abeyance as it continued to make progress on developing a replacement for the rule.

## **Enforcement**

### **Fox News**

Chip Gaines releases lead paint safety video following EPA violations, \$40G fine

<http://www.foxnews.com/real-estate/2018/07/27/chip-gaines-releases-lead-paint-safety-video-following-epa-violations-40g-fine.html>

By Janine Puhak, July 27, 2018

Chip Gaines certainly knows how to shine in front of the camera, although the former HGTV star's latest broadcast involves a more serious matter than shiplap or demo day: the dangers of lead paint.

On July 26, the home-renovation mogul from Waco, Tex., posted a video to Instagram of himself in a hazmat suit, which teased a clip on the [Magnolia blog](#) about the potential hazards of lead-paint removal. The clip also comes well over a month after Gaines and his wife Joanna were fined by the Environmental Protection Agency for violating lead-paint protocol.

"Listen, let me give you some advice. If you're ever considering renovating a pre-1978 home, hire someone to do it for you, because federal rules require them to be certified and trained to do it safely, to make sure the renovation activities don't spread lead dust," the 43-year-old says.

"There are additional state and local rules renovators have to follow to in some parts of the country to properly handle lead in renovations. If you hire someone to renovate your pre-1978 home, make sure you check to see that they're lead-safe certified."

"You don't have to be lead-safe certified if you do it yourself. The rules do not apply to DIYers," he adds in the five-and-a-half minute clip. "However, it's a very good idea for you to understand the rules to protect yourself and your family." Back in June, Gaines and his wife Joanna were smacked with a \$40,000 fine from the Environmental Protection Agency after the stars' company, Magnolia Homes, was accused of violating proper protocol regarding lead-based paint at 33 properties, [Fox News reported at the time](#).

In addition, the parents of five agreed to spend an additional \$160,000 to abate lead-based paint hazards in homes and child-occupied facilities in their hometown of Waco.

The EPA said it reviewed video footage of renovations of older homes in multiple seasons of "Fixer Upper" and found it "did not depict the lead-safe work practices" required by the Lead Renovation, Repair and Painting Rule (RRP). The agency said Magnolia "took immediate steps to ensure compliance with" regulations in the future, as soon as it was notified.

In compliance with the EPA settlement, Gaines addressed the hazards of lead paint on "Fixer Upper," has discussed lead-based paint safety on his social media account, and released the aforementioned video regarding the dangers of the substance.

The EPA said Magnolia was cooperative in its investigation and volunteered information.

## **Glider Truck Rule**

### **Reuters**

EPA will enforce 'glider truck' limits after states sue

[https://mobile-reuters-com.cdn.ampproject.org/v/s/mobile.reuters.com/article/amp/idUSKBN1KH09X?amp\\_js\\_v=0.1&usqp=mq331AQGCAEoATgA#origin=https%3A%2F%2Fwww.google.com&prerenderSize=1&visibilityState=visible&paddingTop=54&p2r=0&horizontalScrolling=0&csi=1&aoh=15326739903755&viewerUrl=https%3A%2F%2Fwww.google.com%2Famp%2Fs%2Fmobile.reuters.com%2Farticle%2Famp%2FidUSKBN1KH09X&history=1&storage=1&cid=1&cap=swipe%2CnavigateTo%2Ccid%2Cfragment%2CreplaceUrl](https://mobile-reuters-com.cdn.ampproject.org/v/s/mobile.reuters.com/article/amp/idUSKBN1KH09X?amp_js_v=0.1&usqp=mq331AQGCAEoATgA#origin=https%3A%2F%2Fwww.google.com&prerenderSize=1&visibilityState=visible&paddingTop=54&p2r=0&horizontalScrolling=0&csi=1&aoh=15326739903755&viewerUrl=https%3A%2F%2Fwww.google.com%2Famp%2Fs%2Fmobile.reuters.com%2Farticle%2Famp%2FidUSKBN1KH09X&history=1&storage=1&cid=1&cap=swipe%2CnavigateTo%2Ccid%2Cfragment%2CreplaceUrl)

By David Shepardson

Posted July 27, 2018

(Reuters) - The U.S. Environmental Protection Agency's acting chief said late Thursday the government will withdraw a decision to lift strict sales limits on remanufactured heavy duty vehicles known as "glider trucks".

The vehicles have a used engine in a new frame and rules introduced under former U.S. President Barack Obama, a Democrat, said nearly all new trucks on the road must use more efficient, less polluting engines.

**The glider trucks emit up to 450 times more diesel particulate matter and up to 40 times more smog-forming nitrogen oxides than new trucks on the market, the EPA has said.**

Environmental Defense Fund (EDF) president Fred Krupp said the decision is "a huge win for all Americans who care about clean air and human health."

"These super-polluting diesel freight trucks fill our lungs with a toxic stew of pollution. EPA's effort to create a loophole allowing more of them onto our roads was irresponsible and dangerous," he added.

The EPA issued a "no action" memo on July 6 that declared the agency would not enforce a limit of up to 300 gliders per manufacturer.

**Acting EPA Administrator Andrew Wheeler, who took over earlier this month, said in a memo Thursday withdrawing the guidance he had "concluded that the application of current regulations to the glider industry does not represent the kind of extremely unusual circumstances that support the EPA's exercise of enforcement discretion."**

A federal appeals court on July 18 temporarily blocked the EPA reversal after environmental groups, including EDF, sued the agency to force the agency to enforce the existing rules. On July 19, 16 states and the District of Columbia also sued the EPA.

New Jersey Attorney General Gurbir S. Grewal said the July 6 memo "was blatantly unlawful... By letting more of these super polluting trucks on the road, EPA is putting politics before the public's health and safety."

The EPA had said in its July 6 memo that enforcing the rules would result "in the loss of jobs" and threaten the viability of companies making the glider trucks.

The EPA in November issued a proposal regulation to undo the glider rule but has not finalized it.

**Wheeler's memo Thursday said the EPA will "move as expeditiously as possible" on revising the regulations "that apply to the introduction of glider vehicles into commerce to the extent consistent with statutory requirements and due consideration of air quality impacts."**

**An EPA spokesperson confirmed Thursday the guidance had been withdrawn.**

Volvo Group North America, Cummins Inc and Navistar International Corp told the EPA last year they opposed efforts to reverse the limits on glider trucks.

Glider kits "should not be used for circumventing purchase of currently certified powertrains." The move could inflict "uncertainty and damage to our industry," the companies said.

**The EPA has previously said that if gliders were allowed through 2025, they would make up 5 percent of the freight trucks on the road but would account for one third of all nitrogen oxides and particulate matter emissions from the U.S. heavy truck fleet.**

New York Attorney General Barbara Underwood, one of the state officials suing, said the EPA has estimated that adding 10,000 glider trucks "with non-compliant engines onto our roads in a single year could result in up to 1,600 premature deaths" and 415,000 tons of additional nitrogen oxide emissions.

Glider companies told the EPA that glider trucks are 25 percent cheaper than new vehicles.

In August 2016, the Obama administration issued final rules to cut greenhouse gas emissions from medium and heavy duty trucks through 2027, a sector that accounts for 20 percent of carbon pollution from vehicles.

The commercial vehicle rules are expected to cut 1.1 billion metric tons of greenhouse gas emissions, the Obama administration estimated.

(Reporting by David Shepardson; Editing by Michael Perry)

### **Gold King Mine**

Associated Press

EPA seeks dismissal of Gold King Mine spill lawsuit

<https://apnews.com/47cbd296483c418390b821a80ed65e76/EPA-seeks-dismissal-of-Gold-King-Mine-spill-lawsuit>

Posted On July 27, 2018 at 11:52am

ALBUQUERQUE, N.M. (AP) — The U.S. Environmental Protection Agency is asking a federal court in New Mexico to toss out a lawsuit over a mine waste spill in Colorado that polluted rivers in three states.

The agency said in a motion this week that workers are already working on the cleanup of the accidental release of contaminated water from an EPA-monitored Colorado mine and a federal court doesn't need to interfere.

New Mexico, Utah and the Navajo Nation are suing the EPA in federal court over the spill.



The 2015 Gold King accident in southern Colorado occurred at an inactive mine where polluted water had been accumulating for years before an agency crew accidentally released it during cleanup work.

The spill sent a yellow-orange plume of toxic heavy metals into rivers in Colorado, New Mexico and Utah and on Native American lands.

## **Officials**

### **Washington Post**

EPA tried to discredit retirees after The Post published their criticisms

[https://www.washingtonpost.com/archive/local/2018/07/27/epa-trying-to-discredit-retirees-after-the-post-published-their-criticisms/](https://www.washingtonpost.com/archive/local/2018/07/27/epa-trying-to-discredit-retirees-after-the-post-published-their-criticisms/2018/07/27/)

Posted: July 27, 2018 at 7:00am By: Joe Davidson

When you have a liar in the White House, it should be no surprise when mendacity afflicts the agencies.

The current case involves an effort by the Environmental Protection Agency (EPA) to denigrate retirees who spent decades serving taxpayers.

Documents obtained through a lawsuit filed by PEER (Public Employees for Environmental Responsibility) demonstrate how the EPA sought to counter unfavorable stories by going after retirees with false information. That effort involved the White House, the Republican National Committee and conservative media.

Calling the EPA's office of public affairs "a nasty fake news factory," PEER said the agency worked to "discredit employees who sounded the alarm as they left the agency" in 2017. PEER General Counsel Paula Dinerstein said the documents obtained through a lawsuit against the EPA "detail distasteful disinformation campaigns directed against distinguished public servants."

Speaking of disinformation, it flows from President Trump at an amazing and dangerous clip. He made 3,251 false or misleading claims in the first 497 days of his presidency, according to [The Washington Post Fact Checker](#). That's 6.5 a day – quite an example for his staff.

The retirees are Michael "Mike" Cox, who resigned after 25 years, and Elizabeth "Betsy" Southerland, a retired 30-year member of the federal Senior Executive Service (SES).

First, a little background.

On April 7, 2017, I wrote [a column](#) about Cox with the headline "EPA staffer leaves with a bang, blasting agency policies under Trump."

In a [letter to Scott Pruitt](#), the administrator who recently resigned in a thundercloud of corruption controversies, Cox said "I, along with many EPA staff, are becoming increasing[ly] alarmed about the direction of EPA under your leadership ... The policies this Administration is advancing are contrary to what the majority of the American people, who pay our salaries, want EPA to accomplish, which are to ensure the air their children breathe is safe; the land they live, play, and hunt on to be free of toxic chemicals; and the water they drink, the lakes they swim in, and the rivers they fish in to be clean."

Four months later, we published a Federal Insider column about Southerland with the headline “EPA won’t be able to do the ‘right thing’ under Trump, says latest protesting official.” In it, she said that “the administration is seriously weakening EPA’s mission by vigorously pursuing an industry deregulation approach and defunding implementation of environmental programs.”

In October, Jahan Wilcox, a former EPA spokesman, told the Los Angeles Times that “despite the faux outrage, both employees will receive their six-figure taxpayer-funded pension and we wish them the best.”

The outrage is real. The six-figure pensions are not.

“My federal pension under FERS (Federal Employee Retirement System) is about \$60,000 before taxes, health care, etc. are deducted ...” Southerland said by email. “It works out to about 1/3 of the average of the last 3 years of base salary without any inclusion of awards.”

John Konkus, an EPA spokesman, would not say why the agency peddled bad information, insisting that “we are focused on carrying out the President’s positive environmental agenda.” Wilcox did not respond to a request for comment.

Bill Valdez, president of the Senior Executives Association, did.

“EPA’s gross miscalculation of the retirement benefits of Dr. Southerland makes one wonder if this is yet another attack on career SES and an attempt to influence public perceptions about federal workers as being overpaid and pampered. Calculating retirement benefits is a straightforward, easily understood formula that all agency human resource offices can do accurately within minutes.”

After the Times article appeared, Cox sent an email to Wilcox that said six figures is correct only “if you count the numbers after the decimal point.” Cox said his gross yearly federal retirement benefit is \$48,991.68. His net, minus his cost for health insurance and federal income tax, is \$39,163.20.

Federal Insider reporting on Southerland pushed EPA’s smearing effort into action.

A Wilcox email on July 31, the day before the Southerland column posted, informed the White House about “my pitch,” apparently to sympathetic outlets. The email said “the same Washington Post reporter who wrote about Mike Cox is writing about this. My guess is that once WaPo writes about Elizabeth Southland, the story will get legs so we wanted to get in front of it all instead of having another controversy like the Mike Cox stuff.”

His pitch misleadingly said that “last year Elizabeth Southerland made \$249,000. For comparison, a Senator or Congressman’s salary is \$174,000 and the average American makes \$44,000 according the Census Bureau.” The \$249,000 is misleading because it included a one-time monetary prize that comes with the Distinguished Presidential Rank Award, an honor bestowed on less than 1 percent of federal senior executives. The prize is 30 percent of the recipient’s salary.

“Curious if you would be interested in writing about this,” the Wilcox email said, “because the left and environmentalists will make a big deal out of nothing.”

That same day, the documents indicate the Republican National Committee “war room” circulated an article on the conservative “Hot Air” blog that reflected points in the Wilcox pitch. The author, identified as Jazz Shaw, wrote that he’s waiting to see if Southerland “turns down all those sweet taxpayer funded retirement benefits.”

Dinerstein thinks “Wilcox was trying to discredit Betsy so no one would listen to her criticisms of EPA under Trump/Pruitt.”

But it is the Trump administration that has discredited itself by the president’s proclivity for prevarication.

Wilcox’s best wishes to the retirees did not impress Cox.

“This seems so disingenuous and insincere ...” his email to Wilcox said, “when you just called us liars and greedy.

## **PFAS**

MLive

PFAS found in Parchment drinking water at 20 times advisory level

[https://www.mlive.com/news/kalamazoo/index.ssf/2018/07/pfas\\_parchment\\_kalamazoo.html](https://www.mlive.com/news/kalamazoo/index.ssf/2018/07/pfas_parchment_kalamazoo.html)

Posted: July 27, 2018 at 9:31am

PARCHMENT, MI -- Drinking water in Parchment, a city named for its paper mill, is contaminated with more than 20 times the federal lifetime health advisory for consumption of the contaminant PFAS.

An estimated 3,000 people are advised by state officials not to drink the water. It's not clear how long the city water has been contaminated, or where the contamination is coming from.

In 2012, the EPA required cities to test for six perflourinated compounds under the Safe Drinking Water Act. Public water systems serving more than 10,000 people were required to be tested, so Parchment did not test for PFAS.

Contamination in Parchment's water system was not discovered until Thursday, July 26. A test showed concentrations of 1410 parts per trillion in the Parchment water supply. The EPA health advisory level for PFAS is 70 ppt.

Residents are told to stop using the water to drink, cook, use in baby formula, give to pets and use in their gardens for the near future.

Exposure to PFAS has been linked in human studies to some cancers, thyroid disorders, elevated cholesterol and other diseases. Kalamazoo County Medical Director William Nettleton said a community-wide health study would be needed to identify whether specific health outcomes are related to PFAS contamination.

Michigan Department of Environmental Quality spokesperson Scott Dean said it's not clear where the contamination is coming from

Substances known collectively as PFAS are an emerging public health threat contaminating water supplies across the Michigan. In Kalamazoo County, PFAS levels were found in Richland Township drinking water wells and entering the city of Kalamazoo's wastewater system.

Residents wanted to be notified sooner that drinking water could be unsafe.

Bottled water is be handed out at Parchment High School starting at 7 a.m. Friday, July 27. Officials said the water will be distributed until Parchment's water supply, which comes from three groundwater aquifers, is deemed safe.

For more information, call either of two Parchment drinking water hotlines at 269-567-7595 or 269-567-2517.

Earlier this year, the Michigan Department of Environmental Quality requested wastewater treatment plants across the state investigate potential sources PFAS. A third-party study commissioned by the city of Kalamazoo found industrial sites were dumping the contaminants into its wastewater system.

Parchment dumps its wastewater into the Kalamazoo system, but it was not identified as a possible source of PFAS through the probe.

It's not clear why cities using Kalamazoo's wastewater system weren't tested for PFAS, Dean said.

Parchment Mayor Robert Britigan said the city switched to using Kalamazoo's wastewater system as a cost-saving measure. Parchment still provides its own drinking water, though Kalamazoo provides water to 123,000 customers within 10 jurisdictions in the county.

"The important thing to try to remember here is that this team is very prepared," Sheriff Rick Fuller said. "This team is taking care of the situation and we're going to ask for your patience. We fully recognize the seriousness of the situation and we recognize people are going to have concerns. None of us up here are panicking."

Dean said the Parchment water tests are part of a Michigan PFAS Action and Response Team effort to identify PFAS in 1,380 water supplies throughout the state. The initiative began in May and is starting to "bear fruit," Dean said.

"There is a history of paper manufacturing in (Parchment), I think it's a very good thing to start looking at," Dean said.

Almost 90 percent of drinking water tests for PFAS have been finished in Kalamazoo County, Dean said. Parchment is the first system found to contain PFAS, he said, and it's hard to say whether additional communities will be affected.

Dean couldn't confirm which public water systems have not yet been tested.

"We're committed to testing," Dean said. "Part of MPART's mission is to address contamination wherever we find it and this is an example of the proactive approach to go through the entire public water system in the state, something which has never been done before in this country, to root out this contamination."

In a statement, Gov. Rick Snyder said he directed the state departments of Environmental Quality, Health and Human Services, and state police, as well as MPART to assist the Parchment and Cooper Township.

A separate investigation asked public water systems to find possible industrial sources of PFAS.

In a letter to the DEQ dated April 5, the city of Kalamazoo identified 34 industrial sites possibly discharging PFAS into its wastewater system. By mid-June, the results showed 20 industrial sites were discharging PFAS-contaminated water.

That inquiry led to additional follow-up by the DEQ, which found a historic industrial site in Richland Township caused four drinking water wells to be contaminated with several times greater than the 70 parts-per-trillion EPA health advisory level.

Ten Richland Township households are being provided bottled water, while 25 homes await results taken earlier this month.

After a public informational meeting was held in Richland Township, State Sen. Margaret O'Brien expressed concern that a 2012 report regarding PFAS was not released publicly.

It warned of statewide exposure to toxic chemicals called PFAS long before the state began taking serious steps to address the contamination. At the Thursday press conference, O'Brien said the report should have been taken more seriously.

O'Brien represents Michigan's 20th State Senate District, which contains all of Kalamazoo County. She is seeking reelection in November.

The ultimate solution in Parchment will be to modify the water treatment plant to remove PFAS. The state could contribute some funds toward the effort.

## **Pesticides & Chemicals**

### **E&E News**

EPA releases health assessment for weedkiller

<https://www.eenews.net/greenwire/2018/07/27/stories/1060091421>

Marc Heller, Friday, July 27, 2018

A human health risk assessment for the weedkiller atrazine suggests slightly higher levels in certain meats but sharply less in sweet corn fed to livestock.

In an ongoing review of atrazine, EPA said its Health Effects Division supports raising tolerances for meat and meat byproducts from cattle, goats and poultry to fall in line with Canada's Pest Management Regulatory Agency.

The recommended tolerance levels are part of EPA's periodic registration review for atrazine, a widely used herbicide with a history of contaminating public water supplies during heavy rains.

Atrazine has reproductive and developmental effects in laboratory animals that are relevant to humans and can delay puberty, according to the assessment.

It's been banned in Europe.

EPA is taking public comment on the risk assessment through Sept. 24.

In the assessment, officials said harmonizing tolerances with the Canadian agency would mean raising the level from 0.02 part per million to 0.04 ppm.

The biggest change under consideration, though, is for sweet corn that's used as forage. Officials have discussed lowering that tolerance for more than a decade, EPA documents show, in concurrence with a recommendation from its manufacturer, the Switzerland-based agrochemical company Syngenta AG.

Levels for sweet corn as forage should be lowered from 15 ppm to 1.5 ppm, according to the report.

Tolerances are set on an individual basis for a range of agricultural products and crops. A reduced level for sweet corn used as forage would match that for field corn used as forage.

The assessment also proposes tolerance levels for the first time for certain greens, including arugula.

The addition of new foods that are typically eaten raw, and the increases in some categories, are concerning, said Jennifer Sass, a senior scientist with the Natural Resources Defense Council, which has urged EPA to ban atrazine. Instead of the U.S. increasing levels to match Canadian tolerances, she said, "why shouldn't Canada come down?" Syngenta has said atrazine is the "backbone" of weed control on U.S. farms, used on more than half the nation's corn crop. It's also used on golf courses and on fields enrolled in the Conservation Reserve Program, according to EPA. Atrazine has shown up in water supplies around the country, and concentrations have been highest in the Midwest and South. The Environmental Working Group's tap water database showed in 2015 that more than 800 public water systems in 19 states had atrazine levels above a health-protective guideline, although average levels didn't exceed federal guidelines.

In Kansas, the city of Wichita has paid farmers to reduce their use of atrazine, reducing seasonal spikes in the water supply.

Groups such as Pesticide Action Network and the Natural Resources Defense Council have called on EPA to ban atrazine.

### **Bloomberg Environment**

<https://bna.com/environment-and-energy/chemical-monitoring-has-room-for-improvement-epa-report-says>

Chemical Monitoring Has Room for Improvement, EPA Report Says

By Sam McQuillan, Posted July 27, 2018, 2:16 PM

The EPA's quality checks on chemical data submitted by manufacturers lack clear written procedures that would provide consistency and continuity for future audits, the agency's watchdog said in a [report](#).

Companies are required to report every four years on the substances they produce and import under the Chemical Data Reporting rule. The EPA's Office of Pollution Prevention and Toxics, which is in charge of implementing the rule, uses the information submitted by the companies to assess potential risks to human health and the environment of chemicals in commerce.

The data also help the agency target its compliance and enforcement activities. For example, the agency's enforcement office can use the data to identify manufacturers of certain chemicals that have contaminated nearby communities or water supplies.

But a lack of documented quality assurance and quality control policies "presents a risk that there may be a loss of institutional knowledge about how data quality checks should be conducted in cases of staff turnover or absence," the July 27 report said.

The Environmental Protection Agency's Office of the Inspector General concluded concrete guidelines and procedures would streamline quality checks of company data and prevent information from being mishandled or lost. The agency is already working to address concerns about the database where that information is stored.

### **Interviewed Staff, Checking Procedures**

A team of reviewers within the Chemical Control Division determines what data areas the agency wants to examine—such as production volume or where each chemical is used—and the conditions for conducting these checks. The inspector general interviewed staff and found that chemical quality check procedures largely depend on who is on the review team during each four year interval, the report said.

For 2016, the most recent reporting cycle, summary documents provided guidance for checking data and could be used for future reference, the report said.

None of the documents, however, describe the overall data quality check process, such as how roles should be assigned based on division or staff position, how queries should be selected, or what processes should be followed when conducting a data quality check, the report said.

“While I believe that improved Agency [quality assurance/quality control] is not inappropriate, given the variable and cyclical nature of chemical production and use patterns it is difficult from a practical perspective to identify errors in [Chemical Data Reporting] submissions based solely on the data that are required to be submitted,” Tom Berger, an attorney with Keller and Heckman in Indianapolis, who works with companies on TSCA issues, told Bloomberg Environment in an email.

### **Database Improvements**

While the reporting rule is being applied as intended, it would benefit from improvements to its database as well, the report said.

“According to EPA staff, the system is not user-friendly, and extracting data is a grueling process for anyone not familiar with the system,” the report says.

The agency’s Office of Chemical Safety and Pollution Prevention has already taken steps to address these concerns, and to further improve its database, the report said.

The agency aims to complete its plan by Oct. 25.

“OCSPP will develop a standard operating procedure document that describes roles and responsibilities and the process to ensure that quality Chemical Data Reporting information is received and used by the agency,” the agency said in its response to the recommendation.

### **Superfund Sites**

#### **Bloomberg Environment**

Companies Preparing Superfund sites for next major hurricane

[http://esweb.bna.com/eslw/display/no\\_alpha.adp?mode=si&frag\\_id=138742976&item=408&prod=deln&cat=AGENCY](http://esweb.bna.com/eslw/display/no_alpha.adp?mode=si&frag_id=138742976&item=408&prod=deln&cat=AGENCY)

Posted: July 27, 2018 By: Sylvia Carignan

International Paper Co. and McGinnes Industrial Maintenance Corp., both working to clean up a Superfund site slammed by Hurricane Harvey last year, say it will take two years to figure out how to adapt the site's waste-removal plan for the potential of severe weather.

That delay has environmentalists keeping their fingers crossed during this year's hurricane season.

The season is already underway, and Texas and Louisiana aren't changing their hurricane preparedness plans after a historic storm pounded their states. However, some companies that saw Harvey's record-setting rain flood their contaminated sites are taking the lessons of the storm to heart.

Some of them are working with the Environmental Protection Agency at Superfund sites this hurricane season to ensure they reduce the risk of hazardous substances spilling or leaking during severe weather, but that process could take a couple of years.

This year's hurricane season is expected to have “below-average” storm activity, according to a July 2 [forecast](#) from Colorado State University.

#### **Design Phase Considers Risk**

At the San Jacinto River Waste Pits Superfund site, which got a year's worth of rain during Hurricane Harvey, International Paper Co. and McGinnes Industrial Maintenance Corp. repaired a cap covering partially submerged, dioxin-

contaminated waste after Harvey tore through the area. Exposure to dioxins, a class of persistent chemicals, can cause developmental problems in children as well as reproductive and immune system disorders in adults, according to the National Institutes of Health.

The design phase of that site's cleanup plan is expected to take more than two years because the companies must consider the risk of another record-breaking storm causing a hazardous substance spill, International Paper and McGinnes said in a statement.

"The best experts need to minimize the potential for release during the [waste] removal process by thoroughly understanding what experience tells us about this kind of project," the companies told Bloomberg Environment in a statement.

Sites added to the EPA's National Priorities List, also known as Superfund sites, are the most contaminated in the country. All followup work and repairs at sites that Harvey hit last year have been completed, according to an agency spokesperson.

#### U.S. Oil Recovery Drains Waste

Companies involved with cleanup at part of the U.S. Oil Recovery Superfund site in Pasadena, Texas, are preparing for severe weather by taking waste out of units that may be vulnerable to flooding, David Margulies, spokesman for the potentially responsible parties' group, told Bloomberg Environment in an email. The group's members include BASF Corp., AkzoNobel, and BP America.

The EPA added the site to its National Priorities List in 2012. The site, which includes two properties and housed multiple facilities, including chemical manufacturing companies. U.S. Oil Recovery LP took in used oil, municipal solid waste, and wastewater at the site.

The U.S. Coast Guard received calls of potentially contaminated stormwater spilling from the site into a nearby bayou as a result of Hurricane Harvey's heavy rains last year, according to National Response Center records.

The group of potentially responsible parties is working closely with the EPA on a hurricane preparation plan, Margulies said. The agency acknowledged that it is working with the companies to remove materials from the site.

#### More Sought at San Jacinto River

Though companies at San Jacinto River are looking to ward off future flooding, an environmental group wants them to do more.

The companies are doing spot repairs to the caps, Scott Jones, director of advocacy for the Galveston Bay Foundation in Houston, Texas, told Bloomberg Environment. But they aren't doing anything differently for this year's hurricane season.

"We are crossing our fingers that we don't get a direct hurricane strike" until the waste can be removed, he said.

The plan former EPA Administrator Scott Pruitt chose for the site is expected to cost the companies \$115 million. It involves excavating more than 212,000 cubic yards of contaminated waste, including dioxins, generated in the bleaching of wood pulp to make paper. The EPA considers this family of compounds to be carcinogenic and to have the potential to affect hormone levels and human growth and development.

Rep. Gene Green (D-Texas) pushed the EPA to add the San Jacinto River Waste Pits site to the National Priorities List in 2008. The San Jacinto River Waste Pits are no longer in Green's district, thanks to redistricting after the 2010 Census, but he still attends the agency's public information meetings about the site.

The companies involved there could be delaying the design process because of the anticipated cleanup bill, Green told Bloomberg Environment.

"I know the hesitation of the responsible parties," he said.



With Pruitt's decision, the EPA is making good on its commitments to the community for a complete cleanup, Green said. But it's hard to tell how a future hurricane may affect the Houston area, he said, especially with some local businesses and residents still recovering from Hurricane Ike in 2008 and Harvey last year.

"Every time we have a storm, it's a different issue," he said.

#### State Agencies

Texas and Louisiana's state environmental departments aren't changing their hurricane preparation plans because of Hurricane Harvey.

The Louisiana Department of Environmental Quality "believes the plan in place before last year was appropriate, and nothing that occurred in Louisiana last year made us question that plan," Greg Langley, a spokesperson for the department, told Bloomberg Environment in an email.

Andrew Keese, a spokesperson for the Texas Commission on Environmental Quality, said the state's preparedness plans include assessing Superfund sites before a hurricane makes landfall. The state didn't make changes to hurricane preparedness plans as a result of Harvey, he said.

Major storms also hit Puerto Rico, the Virgin Islands and Florida during last year's hurricane season.

"While there were minor impacts to a small number of Superfund sites in Puerto Rico, the agency did not identify any major spills or releases from Superfund sites," a spokesperson for the EPA told Bloomberg Environment. "All hurricane-related response actions and repairs at these sites have been completed."

#### Vehicle Emissions Standards

##### The Hill

New EPA head: Obama 'jumped the gun' on vehicle emissions standards

<http://thehill.com/policy/energy-environment/399184-wheeler-obama-jumped-the-gun-on-strict-vehicle-fuel-standards>

Posted: July 27, 2018 at 11:25am By: Miranda Green

Environmental Protection Agency (EPA) acting chief Andrew Wheeler has confirmed that a new agency proposal set for formal release as early as next week will propose lowering vehicle emissions standards, saying the previous administration "jumped the gun" on stronger regulations.

In an interview with USA Today released on Friday, the new EPA head said that former President Obama acted prematurely when he increased the fuel efficiency standards cars must meet before leaving office in 2016.

"It was a political attempt to try to move up the process, and what we're doing is taking the deliberative process of looking at the midyear review the way it was originally intended to be done," Wheeler said of EPA's decision to change the rule.

Obama submitted his recommendations to raise the standards over a year before the planned midyear review set for April 2018, which was the date to look at how car companies were coping with regulations and adjust standards for the next phase to be hit by 2021.

This April, the EPA announced that they would be lessening the regulations for 2021 after determining that the standards would be too stringent and fearing they would cause sales losses in the auto industry.

This coming week, EPA is expected to make a joint announcement with the Department of Transportation to offer an official alternative to the Obama-era rule.

Car companies are split over the outcome. While most prefer lowered standards, the industry also fears a rule that could enrage California, a state with the highest auto sales and one that prefers more stringent standards to fight its smog pollution.

It's expected that any rule from EPA could lead to high-profile legal battle. In May, California lead 16 other states in suing the federal government over its decision to roll-back the rule.

Wheeler said the EPA will be proposing many options.

"We're proposing a list of options. We have a preferred option but I don't want to get ahead of the actual proposal before it goes out," he said.

#### **New York Times**

Top Trump Officials Clash Over Plan to Let Cars Pollute More

<https://www.nytimes.com/2018/07/27/climate/trump-auto-pollution-rollback.html>

Posted July 27, 2018

WASHINGTON — Senior administration officials are clashing over President Trump's plan to roll back a major environmental rule and let cars emit more tailpipe pollution, according to 11 people familiar with the confrontation, in a dispute over whether the proposal can withstand legal challenge.

The rollback, one of the most consequential proposals of the Trump administration, not only would permit more planet-warming pollution from cars, it would also challenge the right of California and other states to set their own, more restrictive state-level pollution standards.

On one side is the Environmental Protection Agency's acting chief, Andrew Wheeler, who has tried to put the brakes on the plan, fearing that its legal and technical arguments are weak and will set up the Trump administration for an embarrassing courtroom loss. Mr. Wheeler inherited the proposal from his predecessor, Scott Pruitt, who resigned on July 5 under a cloud of ethics investigations.

On the other side are top officials at the Transportation Department, Jeffrey A. Rosen and Heidi King, two of the proposal's chief authors.

Mr. Rosen, a former George W. Bush administration official known for his zeal to undo federal regulations, is pushing the controversial proposal on the expectation that by the time any challenge makes it to the Supreme Court, the court's makeup will be more friendly to a conservative, anti-regulatory policy, according to individuals familiar with his thinking.

Mr. Rosen and Ms. King have also justified their proposal with a new analysis concluding that the stricter Obama-era pollution rules would lead to thousands of deaths in road accidents. They argue that more fuel-efficient cars are less safe because they are lighter.

The plan's official release has been delayed by what one person familiar with the talks called "a nuclear war" between Mr. Wheeler on one side and Mr. Rosen and Ms. King on the other. Mr. Wheeler has sharply

questioned the auto fatality numbers and fears that if they are proven faulty, that will undermine the legal case for the rollback, according to people familiar with his argument.

This report is based on interviews with five people who are either former employees of the two agencies or former Trump administration officials, as well as six industry lobbyists and others close to the negotiations.

For now, the White House is siding with Mr. Rosen. Mr. Trump is expected to announce the proposal next week.

California has a waiver under the 1970 Clean Air Act to set its own air pollution regulations, and a dozen other states follow its lead. If the Trump administration loosens federal pollution rules, California has vowed to stick with its own stricter standards and to sue the administration.

That fight could, in effect, split the American car market in two and would set up a huge legal battle that is likely to reach the Supreme Court.

The proposal, which is to be jointly released by the E.P.A. and the Transportation Department, was largely completed in May. It was sent by both agencies to the White House for review, after which it was expected to be published in June or early July in the Federal Register, a major step in formalizing a new regulation.

The details of the proposal are largely similar to those in a draft version described by The New York Times in April, according to people who have seen the plan. After its publication, the administration will take public comment before potentially revising and releasing its final plan, expected this year.

**While the 11 people familiar with the talks described a bitter feud between Mr. Wheeler and Mr. Rosen over how to proceed, Mr. Wheeler described the negotiations between the agencies as “business as usual.”**

**“This assertion of a ‘nuclear war’ is categorically false,” he said in a statement. “Our efforts with DOT have been reflective of a robust and constructive interagency process that the American people expect — and deserve — when agencies are proposing rules of such consequence.”**

A Transportation Department official, who spoke on condition of anonymity because he was not authorized to speak on the record, said the staffers “have worked amicably” on a proposal “that will aim to save lives, preserve consumer choice and improve the economy.”

Under the Obama-era rules, automakers would be required to nearly double the fuel economy of passenger vehicles by 2025, achieving an average of about 54 miles per gallon, thus lowering oil consumption and greenhouse-gas pollution and representing the largest-ever move by the United States to combat global warming.

The Trump proposal contends that those rules are too costly and would lead to the production of lighter cars more likely to result in deadly accidents. The Trump proposal, according to who have seen it, lays out several options for weakening the standard.

The Trump administration identifies as its “preferred option” one that would most dramatically weaken the rule: It would allow mileage standards to rise on the schedule laid out in the Obama rule until 2020, at which point the standard would freeze at roughly 35 miles per gallon. The proposal would also challenge the authority of California and other states to set their own, tougher standards.

Both Mr. Trump and Mr. Pruitt, when he led the E.P.A., appeared to relish the prospect of a legal fight with California. Mr. Pruitt, who campaigned against government regulations, was prepared to sign off on the proposal despite the concerns of his staff about its legal vulnerability, according to people familiar with the negotiations.

But since Mr. Wheeler, who was Mr. Pruitt’s deputy, stepped in as the acting head of the E.P.A., he has raised concerns about the legality of the proposal as it is written, according to at least four people familiar with the matter. Privately, some auto executives have also asked Mr. Trump not to pursue such an aggressive rollback of regulations, fearing that it could lead to years of regulatory uncertainty.

During his tenure, Mr. Pruitt pushed out numerous proposals to roll back environmental regulations. At least a half-dozen have been struck down by courts.

Three people close to Mr. Wheeler said he wanted to avoid rolling out a major policy that could be legally vulnerable. But Mr. Rosen, the deputy secretary of the Transportation Department, is confident that the proposal will stand up to legal challenge in part because of the changing makeup of the Supreme Court, according to a half-dozen people familiar with his thinking.

Mr. Rosen, a lawyer whose former clients have included General Motors and Hyundai, served as general counsel for the Transportation Department during the Bush administration, where he was known as an opponent of efforts to combat climate change and regulate auto pollution. People familiar with Mr. Rosen’s thinking say he now sees an opportunity to strip away regulations that he has fought for years.

“The thinking is, whatever they do to relax the standards, California will sue. So why not go for the whole thing?” said Myron Ebell, who led the Trump administration’s E.P.A. transition team.

With the retirement of the Supreme Court Justice Anthony M. Kennedy, who often served as a swing vote on the court, Mr. Trump has nominated a judge to succeed him, Brett Kavanaugh, who is considered more reliably conservative. “They may well feel emboldened by the fact that Kennedy is retired, and they will likely see more conservative justices,” said Jody Freeman, a professor of environmental law at Harvard and a former adviser to President Barack Obama.

However, Ms. Freeman noted that previous efforts to pre-empt such state-level authority have failed, a fact that also concerns Mr. Wheeler, according to people familiar with his thinking. “We’ve never seen a state-level waiver being revoked, and it’s not clear how that would work,” Ms. Freeman said.

Along with Mr. Rosen, Ms. King, the deputy administrator of the Transportation Department’s National Highway Traffic Safety Administration, backs an analysis showing that the Trump proposal would save lives in car accidents. Her analysis shows that the Obama rules would lead to as many as 12,000 more traffic fatalities.

By contrast, the Obama administration’s analysis of the same rules concluded that, over the lifetime of the regulations, there would actually be 107 fewer auto fatalities than if the rules had not been implemented.

“Every analysis that we did — and we spent millions on doing these complex analyses — showed that, if anything, there could be an improvement in safety in more fuel-efficient vehicles,” said Chet France, a former E.P.A. staffer who worked on the Obama analysis.